



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2208318
Applicant Name: Damien McBride
Address of Proposal: 2157 7th Avenue West

SUMMARY OF PROPOSED ACTION

Master Use Permit for construction of a second floor addition to an existing detached garage (addition already built).

The following approval is required:

Variance to allow an over height detached garage.
(SMC Chapter **23.44.014D11.**)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site & Vicinity Description

Located in a Single-Family Residential 5000 (SF 5000) zone on the top of Queen Anne hill, the 4,040 square foot, reverse corner lot sits on the southwest intersection of West McGraw Street and 7th Avenue West. Single family zoning forms a north/south corridor along 7th Avenue W. An alley parallel to 7th Avenue West separates the single family zone from a Lowrise One (L1) zone to the west. Immediately to the east, a small concentration of commercial uses in a Neighborhood Commercial One zone with a thirty foot height limit (NC1 30) is located on West McGraw St. between Sixth and Seventh Avenues West. Coe Elementary School lies to the north of West McGraw beyond the commercial area. Thus, the single family zone is somewhat sandwiched between zones of greater intensity.

Several detached accessory structures face the alley. In most cases, these are garages built in the same period as the principal residences; however, storage sheds and residential units, built before zoning codes restricted the number of detached accessory units in single family zones, also sit behind the principle structures.

The site possesses a very gentle slope. A retaining wall at the north property line creates a two to four foot change of grade between the right-of-way and the higher ground within the parcel.

Background

In June 2001, the DCLU received a complaint about an over height garage on the property. A city inspector noted the violation and on August 10th, 2001 a notice of violation (NOV Case # 211982) was issued. The City's legal department accepted the NOV for legal action. A pretrial settlement hearing in Municipal Court (Case Number 02-078) was scheduled for March 12 2003.

A MUP application for a variance was received January 24, 2003. A notice of application is dated February 6, 2003. The application does not indicate a date of construction for the second floor garage addition.

Proposal Description

The applicant requests a height variance for a two story, detached garage. The 210 square foot space addition increases the height of the garage to 20 feet above the alley. Previously, the garage roof peak stood 11'3 1/2" above the alley.

Public Comments

The City received four comment letters two of which criticized the reasoning in the variance application. The other letters did not express an opinion about the variance request. The comment period for this project was extended by fourteen days per requested and ended on March 19, 2003.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

Contrary to the applicant's submittal information, the subject property does not harbor unusual physical conditions that would limit the ability to construct a code complying storage area. A reverse corner lot is not generally considered restrictive or out of the ordinary. Reverse corner lots are afforded consideration in the City's Land Use Code due to the ten foot side yard setback at the street. The applicant's calculable lot area increases by 25 percent from 4,040 to 5,050 square feet, in turn, augmenting the lot coverage to a potential 1,767.5 square feet. The closest

properties to the south of the parcel range from 3,600 to 4,800 square feet. The four parcels across West McGraw Street range in size from 2,290 to 4,800 square feet. In general, the platting characteristics of this portion of Queen Anne favor small lots. The subject lot, in fact, gains coverage due to the corner condition that its neighbor do not.

Although cumbersome to calculate yards for setback purposes, the arc of the property lines can be characteristic of a corner lot; however, the shape is not particularly complicated nor does it directly impact the issue of the added storage area since the placement of the storage area is on the alley side of the house. No other unusual conditions such as topography are applicable.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

There is no apparent justification for the over height garage. The Seattle Land Use and Zoning Code states that private garages in required yards “shall be limited to twelve (12) feet in height as measured on the facade containing the entrance for the vehicle.” (SMC 23.44.016D2a and b) It adds that the ridge of a pitched roof on a detached garage may extend three feet beyond the 12 feet. The subject detached garage is approximately 20 feet high. A storage area above the garage with the same approximate length and width dimensions could have been built to conform to the City’s height restrictions. Detached garages with storage lofts are not uncommon in Seattle.

The applicant cites several detached garages on 7th Avenue West as over height. Upon analysis of records and a site inspection, DCLU staff determines that the garages located at 2151 7th Ave. W., 2147 7th Ave. W., and 2143 7th Ave. W., appear to comply with the Code’s height limits as they are lower than 15 feet. The garage at 2133 7th Ave. W., however, seems to be over the height limit. Two other properties cited in the application are older houses (2139 and 2127 7th Ave. W.) built in 1900 and 1903 respectively before city zoning codes were instituted. The former does not have a garage associated with it. The latter is a three unit complex with the garage (photo #6) adjacent to it. The two structures (photo #8) labeled at 2121 7th Ave. W. (correct address is 2127 7th Ave. W.) appear over height but most likely were built before the current laws governing height of detached structures in the rear yard. One structure is a two-story storage shed.

The applicant’s variance requests goes beyond the minimum necessary to afford relief. It exceeds the height limit and does not conform to the general pattern of detached structures adjacent to the alley.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The proposed detached storage area and garage is not likely to be materially detrimental to the public welfare or injurious to the property in the zone or vicinity. Based on comment letters, the extra height could be a nuisance as it adds height and bulk to the single family neighborhood. Access to light and air are important to neighborhoods that are both dense and adjacent to more intensive zones.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship, or practical difficulties;*

There is no evidence of any hardship predicated upon the denial of the requested variance. Several solutions present themselves including modification of the structure to lower the roof height, building a storage unit on the land available behind the house and using the area underneath the deck.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

An over height, detached accessory structure, such as the one built, jeopardizes, albeit in a small way, the quality of life in this Queen Anne neighborhood. The variance request is inconsistent with the Land Use Code's regulation of an alley structure's height, bulk and scale. The Land Use Code does not prevent the applicant's intention of adding storage capacity to the detached garage it only seeks to modify its execution.

DECISION - VARIANCE

The proposed variance to allow an over height garage is **DENIED**.

Signature: (signature on file) Date: June 9, 2003
Bruce P. Rips, AICP, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services